



## Hendry County Sheriff's Office Central Records Chapter 100 Records



**Eff. Date:**  
06/10/2019

**Review Date:**  
06/10/2022

**Revised Date:**

**Policy # CR 103.04**

**Subject: Crash Report Exemption**

I. **PURPOSE:** To establish guidelines governing the inspection, copying and dissemination of crash reports within the first 60 days after the accident.

II. **SCOPE:** This order shall apply to all records section members.

III. **POLICY:** It is the policy of the Hendry County Sheriff's Office that all public records in the custody of the agency shall be open for inspection by any person. This policy is limited only to the extent that records or parts of records in the custody of the agency are made confidential and/or exempt from disclosure pursuant to Chapter 119, Florida Statutes (Public Records Act) or other provisions of law.

#### IV. **PROCEDURE:**

##### A. **General:**

Effective June 5, 2001 section 316.066, F.S. was amended to include an exemption regarding the release of information included in a crash report. As required by this section, crash reports that reveal the identity, home and employment telephone number, or home or employment address of, or other personal information concerning the parties involved in the crash which are received or prepared by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashed are confidential and exempt for a period of 60 days after the date of incident. It is well established that this exception to Florida public records law is to narrowly construe and limit its intended purpose.

**"As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver's license or other photographic identification, proof of status or identification that demonstrates his or her qualifications to access that information, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt." Section 316.066(2) (d), F.S.**

The written statement must be completed and sworn to by the requesting party for each individual crash report that is being requested within 60 days after the report is filed. Id. Reports may be released without the sworn statement to third-party vendors under contract with one or more insurers, but only if the conditions set forth in the statute are stated in the contract. Third-degree felony penalties are established for knowing unauthorized disclosure or use of

confidential information in violation of this statute. See s. 316.066(3) (b), (c), and (d), F.S., for more information.

The purpose of Chapter 01-163, Laws of Florida, is “To protect the public from unscrupulous individuals who promote the filing of fraudulent insurance claims by obtaining such information immediately after a crash and exploiting the individual at a time of emotional distress.” Access shall be given during the 60 day period to statutorily specified parties (Attachment I). After the 60 day waiting period all information is public and shall be disclosed as such.

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